

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

JOSE GONZALEZ, individually and
as parent of JANE DOE, a minor
child,

Plaintiff,

v.

Case No: 2:23-cv-69-JLB-NPM

THE SCHOOL BOARD OF
COLLIER COUNTY, FLORIDA

Defendants.

ORDER

The Magistrate Judge has entered a Report and Recommendation recommending that the Court dismiss Plaintiff's action without prejudice for, among other reasons, failure to prosecute. (Doc. 28). No party has objected and the time to do so has expired.

A district judge "may accept, reject, or modify, in whole or in part," the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1). The district judge must "make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.*

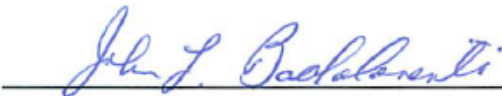
Here, after an independent review of the record, and noting that no objection has been filed, the Court finds that the Report and Recommendation is due to be adopted in part, on the ground that Plaintiff has failed to prosecute. *See* M.D. Fla. R. 3.10. Because the Court adopts the finding that Plaintiff has failed to prosecute

this case, the Court does not reach the alternative ground for dismissal suggested in the Report and Recommendation.

Accordingly, it is **ORDERED** that:

1. The Report and Recommendation (Doc. 28) is **ADOPTED IN PART** and made part of this Order except as modified herein.
2. This case is **DISMISSED** without prejudice.
3. The Clerk of Court shall enter judgment dismissing the case without prejudice, terminate all deadlines, and close the case.

ORDERED at Fort Myers, Florida on October 10, 2023.



JOHN L. BADALAMENTI
UNITED STATES DISTRICT JUDGE